

fibre extracts". Applicants believe that the inclusion of this term in combination with the definition of the specific fruit and vegetable from which the extracts are derived provides definiteness to the claim.

With the entry of the proposed amendments, it is respectfully submitted that the claims now render the claims concise and definite and in conformance with 35 U.S.C. §112.

The §102 Rejection

The Examiner has rejected previously filed claim 1 as being anticipated by Gori, U.S. patent no. 4,784,861 ("Gori"). It is the Examiner's view that Gori teaches a composition which falls within the scope of claim 1.

It is respectfully submitted that the claims clearly fall outside any arguable teaching of Gori. While Gori refers to some mixed fibre preparations, the teachings do not refer or suggest the removal of proportions of soluble solids. Additionally, in the teachings of Gori, it is not clear that specific combinations of fruit have been used. Thus, although certain formulations refer to the use of combinations including pectin and "cutin", the source of the pectin is not specified even though this may be citrus in origin, and cutin is referred to as apple fibre. Cutin is likely to be derived from the skin of the apple rather than the flesh. In this regard, original claim 1 did not specify the specific combination of fruit of specific interest, but claim 1 as amended introduces the fruit limitations of claim 4, such that neither Gori nor other references refer to the specific combinations of fruit nor the extraction of water soluble solids from fiber extracts. It is a basic tenet of 35 U.S.C. §102 that in order to anticipate a claimed invention, the reference must teach each and every claimed element within its four corners. For the reasons presented above, however, Gori fails to recite the specific combinations of fruit or the extract of water soluble solids from fiber extracts and consequently, fails to anticipate the present invention.

For all of the above reasons, it is respectfully submitted that the present application is now in condition for allowance and such action is earnestly solicited. 1 claim has been amended (claim 1), 25 claims have been cancelled (one independent) and 14 claims have been added (one

independent). No fee is therefore due for the presentation of this amendment. If the Examiner decides that any fee is due, the Commissioner is authorized to charge any such fee or credit any overpayment to deposit account 04-0838.

An indication of any charge made to the authorized Deposit Account is respectfully requested at the time of the issuance of a further office action, so that the charge may be accurately tracked.

Dated: 6/5/03

Respectfully submitted,
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By: 

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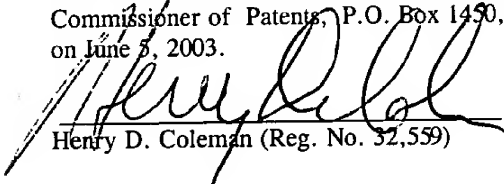
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CERTIFICATE OF MAILING

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